

EXHIBIT K

7/31/2007

Callaway Golf Company v. Acushnet Company
Highly Confidential

Garth Wilkes

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF DELAWARE

3
4 -----x HIGHLY CONFIDENTIAL

5 CALLAWAY GOLF COMPANY, :

6 Plaintiff, : Civil Action

7 vs. : No. 06-91 (SLR)

8 ACUSHNET COMPANY, :

9 Defendant. :

10 -----x

11 Washington, D.C.
12 Tuesday, July 31, 2007

13 Deposition of GARTH L. WILKES, PH.D.,

14 called for examination by counsel for the Defendant

15 pursuant to notice, commencing at 9:01 a.m., at the

16 law offices of Howrey LLP, 1299 Pennsylvania Avenue,

17 Northwest, Washington, D.C., before Marijane Simon,

18 Registered Diplomate Reporter and Notary Public in

19 and for the District of Columbia, when were present
20 on behalf of the respective parties:-----
21 DIGITAL EVIDENCE GROUP
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1 Q. You see that?

2 A. Yes.

3 Q. Is that on page 8 of your --

4 A. Yes, it is.

5 Q. So we're focusing on the inner cover layer
6 here. Correct?

7 A. Yes, we are.

8 Q. And you cite an ASTM test for the
9 measuring the flex modulus?

10 A. Yes.

11 Q. ASTM 790?

12 A. Yes.

13 Q. Are you familiar with that test?

14 A. Yeah, basically.

15 Q. Okay. And do you understand how that test
16 is done?

17 A. Typically, in flexing the material, yes.

18 Q. Okay. And that that test would be done
19 off the ball; correct?

20 A. Yeah. This is one of those situations
21 where, in trying to make a measurement of flex
22 modulus, you're pretty well confined to the fact

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1 that you've got to utilize an off-the-ball-type
2 test.

3 Q. You can't measure the flexural modulus of
4 the inner cover layer while it's on the ball;
5 correct?

6 A. It would be, quite frankly, difficult to
7 measure it even if you're just -- you know, if you
8 take off the outer cover to do it. Maybe that's
9 what you meant. In other words, you've got just the
10 intermediate ball. Is that was you're asking about?

11 Q. I'm actually trying to ask whether --

12 A. The completed ball?

13 Q. Let me try and make it clear for you.

14 When we were talking about the Shore D
15 hardness of the inner cover layer -- Okay? -- you
16 described something that you called on-the-ball
17 measurement; right?

18 A. Yes.

19 Q. And I took it what you were talking about,
20 and maybe I should make it clear -- a golf ball
21 where you remove the outer cover layer and measure
22 the Shore D hardness of the inner cover layer while

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1 it's still on the core?

2 A. That's correct.

3 Q. That's what you meant as an on-the-ball
4 measurement?

5 A. Yes, sir.

6 Q. Okay. And an off-the-ball measurement was
7 a measurement of the material formed into a slab or
8 a plaque?

9 A. That's correct.

10 Q. Okay. Turning now to this measurement of
11 the flexural modulus --

12 A. Mm-hmm.

13 Q. -- an off-the-ball measurement is
14 performed pursuant to this ASTM D-790; correct?

15 A. Yes.

16 Q. All right. If -- By "on the ball," I mean
17 the same as we did before, the ball with the outer
18 cover taken off but the inner cover still formed on
19 the core.

20 A. Yes.

21 Q. You can't measure the flexural modulus on
22 the ball; correct?